

PHILLIP A. TALBERT  
United States Attorney  
BRITTANY M. GUNTER  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, Ca 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

MICHAEL TRINIDAD YANEZ,  
  
Defendant.

Case No: 1:23-CR-00152-NODJ-BAM

AMENDED STIPULATION TO CONTINUE  
STATUS CONFERENCE AND SET TRIAL DATE;  
ORDER

DATE: June 26, 2024  
TIME: 1:00 p.m.  
JUDGE: Hon. Barbara A. McAuliffe

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and Ernest Scott Kinney, counsel for Michael Trinidad Yanez (“the defendant”), that this action’s **Wednesday, June 26, 2024, status conference be continued to Wednesday, August 28, 2024, at 1:00 p.m.** The parties also stipulate that this case be **set for trial on November 13, 2024.** The parties likewise ask the court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause. Specifically,

1. By previous order, this matter was set for a status conference on June 26, 2024, at 1:00 p.m. ECF 30.
2. By this stipulation, the parties request that the status conference be continued to August 28,

2024, at 1:00 p.m. Defense counsel is unavailable for the status conference as currently set.

3. The parties also request that this matter be set for a jury trial on November 13, 2024, at 8:30 a.m., and to exclude time through and including November 13, 2024.
4. The government has represented that the discovery associated with this case, including investigative reports and related documents, has been either produced directly to counsel and/or made available for inspection and copying. The defense is and has been reviewing discovery thus far provided. If the government identifies additional information that should be produced as supplemental discovery, the government will promptly produce it in accord with Rule 16.
5. Furthermore, the government made a plea offer to the defendant, which was rejected in favor of a jury trial. The parties therefore jointly request a trial date of November 13, 2024, to allow adequate time for defense investigation and trial preparation.
6. Defense counsel believes that failure to grant the above-requested continuance and time exclusion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
7. The parties therefore stipulate that the period of time from June 26, 2024, through November 13, 2024, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: June 18, 2024

PHILLIP A. TALBERT  
United States Attorney

By: /s/ BRITTANY M. GUNTER  
BRITTANY M. GUNTER  
Assistant United States Attorney

1 Dated: June 17, 2024

By: /s/ ERNEST SCOTT KINNEY  
ERNEST SCOTT KINNEY  
Counsel for Defendant

2  
3  
4  
5 **ORDER**

6  
7 IT IS SO ORDERED that the status conference is continued from June 26, 2024, to **August 28,**  
8 **2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.**

9 IT IS FURTHER ORDERED that a jury trial is set for **November 13, 2024, at 8:30 a.m. in**  
10 **Courtroom 5 before the District Court Judge.** Estimate time of trial is 3-4 days. A trial confirmation  
11 is set for **October 21, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time is  
12 excluded through trial pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

13  
14 IT IS SO ORDERED.

15 Dated: **June 18, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE